

California Department of Corrections and Rehabilitation

Office of Audits and Compliance



Operational Peer Review

Delano Community Correctional Facility

November 17 – November 21, 2008

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Review of Community Correctional Facilities

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INTRODUCTION

This program review of Community Correctional Facilities (CCF) operations was conducted at Delano CCF by the Office of Audits and Compliance, Compliance/Peer Review Branch (CPRB) during the period of November 17 through November 21, 2008. This review team utilized the California Penal Code (PC), California Code of Regulations (CCR), Title 15, California Department of Corrections and Rehabilitation's (CDCR) Department Operations Manual (DOM), CCF Financial Management Handbook (FMH), and the CCF Statement of Work, as the primary sources of operational standards.

This review was conducted by Mark Perkins, Facility Captain; Michael Brown, Correctional Lieutenant; Charles Lester, Correctional Lieutenant; and Dave Stark, Correctional Counselor (CC) II; of the CPRB.

The review consisted of on-site inspections, interviews with staff and inmates, audits of procedures, other documentation, and observation of Facility operations.

The purpose of the CPRB's review is one of overall analysis and evaluation of the Facility's compliance with the terms and conditions of State regulations, departmental policy, and contract agreement.

Each area was reviewed by a minimum of two primary reviewers and cross-verified by other members of the team as possible. Overall findings presented in the attached report represent the consensus of the entire review team.

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REVIEW SCOPE AND METHODOLOGY

The CPRB conducted an on-site review at Delano CCF during the period of November 17 through November 21, 2008. The purpose of this review was to assess the level of compliance with the terms and conditions of State regulations, departmental policy, and contract agreement. This review and the attached findings represent the formal review of Delano CCF's compliance by the CPRB.

The scope and methodology of this audit was based upon written review procedures developed by the CPRB and provided to Delano CCF staff in advance of the review.

Random sampling techniques were employed as an intrinsic part of the review process.

For the purposes of this review, members of the team toured the Facility. Inspections were conducted in housing, food service, medical, and [REDACTED] areas. Randomly selected inmates were informally interviewed based upon their interest and willingness to talk to the reviewers.

Throughout the tour, on-duty contractor and departmental staff at all levels (medical, counseling, management, administrative, and custody) were interviewed regarding current practices.

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EXECUTIVE SUMMARY

During this formal review of the Facility's compliance with the terms and conditions of State regulations, departmental policy, and contract agreement at Delano CCF, the Facility was found to be in compliance with 80 (99 percent) of the 81 ratable areas. One standard was not ratable during this audit. Areas of concern were found as follows:

- **Inmate Work Training Incentive Program (IWTIP).** Inmate Work Supervisors Time Logs (CDC 1697) were incomplete in Dorm 7 and the Laundry. In addition, Dorms 5 and 6 time cards were filled out prematurely.

A complete description of these finding areas may be found in the narrative section of this report.

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SUMMARY CHART (SYMBOL DEFINITIONS)

The following chart represents individual review findings in relation to CCR, Title 15, DOM, PC, and contract agreement.

Each item is rated as to whether or not the Institution is in compliance. The chart utilizes the following symbols to denote compliance ratings:

SYMBOL	DEFINITION
Compliance (C)	The requirement is being met.
Partial Compliance (P/C)	The institution is clearly attempting to meet the requirement, but significant discrepancies currently exist.
Noncompliance (N/C)	The institution is clearly not meeting the requirement.
Not Applicable (N/A)	Responsibility for compliance in this area is not within the authority of the institution.
Not Ratable (N/R)	No measurable instances.

At the end of the chart is a Comparative Statistical Summary Chart of Review Findings. This summary presents a mathematical breakdown of compliance by total items and percentages (%).

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SUMMARY CHART

REVIEW STANDARD		REVIEW FINDING 8/06	REVIEW FINDING 11/08	PAGE NO.
I. ADMINISTRATION				
A)	Operations Manual	C	C	1
B)	Restricted Operational Procedures	C	C	1
C)	Program Cost Reports	C	C	2
II. PERSONNEL				
A)	Master Staffing Plan	C	C	3
B)	Position Changes	N/R	N/R	3
C)	Job Descriptions and Duty Statements	C	C	4
D)	Post Orders	C	C	4
	1. Staff Sign Acknowledgment Sheet	C	C	5
E)	Background Investigation	C	C	6
F)	Personnel Policies	C	C	6
III. TRAINING				
A)	Training Policy	C	C	7
B)	Training Records	C	C	8
C)	Training Audits	C	C	8
IV. CLASSIFICATION				
A)	Operational Plan	C	C	9
B)	Composition	C	C	9
C)	Initial Classification	C	C	10
D)	Documentation	C	C	10
V. PROGRAMS				
A)	Inmate Work Training Incentive Program	P/C	P/C	11
B)	Pre-Release	C	C	12

REVIEW STANDARD	REVIEW FINDING 8/06	REVIEW FINDING 11/08	PAGE NO.
C) Educational Programs-Credential	C	C	12
1. Adult Basic Education (ABE)	C	C	13
2. Educational Programs	C	C	13
D) Religious Programs	C	C	14
E) Library Services	C	C	14
F) Visiting	C	C	15
G) Canteen	P/C	C	15
H) Recreation Programs	C	C	16
I) Medical Services	C	C	17
1. Health Records	C	C	17
VI. DISCIPLINE			
A) Policy	C	C	18
B) Disciplinary Actions	C	C	18
C) Documentation	C	C	19
D) Classification of Rule Violations	C	C	19
E) Authority	C	C	20
F) Records of Disciplinary Matters	P/C	C	20
VII. RECORDS			
A) Inmate Files	C	C	21
B) File Security	C	C	21
C) Release of Information	C	C	22
D) Daily Movement Sheets (DMS)	C	C	22
VIII. APPEALS			
A) Forms	C	C	23
B) Informal Level	C	C	23
C) First Level	C	C	24
D) Second Level	C	C	24
E) Record of Appeals	C	C	25
F) CCR, Title 15	C	C	25
G) Training	C	C	26

REVIEW STANDARD	REVIEW FINDING 3/04	REVIEW FINDING 8/06	PAGE NO.
FOOD SERVICES			
A) Meals	C	C	40
B) Special Diets	C	C	41
C) Meal Samples	C	C	41
D) Inmate Workers	C	C	42
E) Health Codes	C	C	42
F) Dry Storage	C	C	43
G) Refrigeration	C	C	43
H) Vector Control	C	C	44
XII. DEPARTMENTAL/FACILITY INTERCOMMUNICATION			
A) Hub Institutions	C	C	44
B) Mutual Aid	C	C	45

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COMPARATIVE STATISTICAL SUMMARY CHART

AUGUST 2006—NOVEMBER 2008 REVIEW FINDINGS

RATING	TOTAL 8/06	RATING % 8/06	TOTAL 11/08	RATING % 11/08
COMPLIANCE	74	93%	81	99%
PARTIAL COMPLIANCE	6	7%	1	1%
NONCOMPLIANCE	0		0	
NOT RATABLE	2		1	
TOTAL	82	100%	82	100%

Review of Community Correctional Facilities

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SUMMARY OF FACILITIES AUDITED

The Delano CCF is a 630 bed public facility located in the County of Kern, California. At the time of this audit, the population of the Delano CCF was 505 inmates under the jurisdiction of CDCR.

I. ADMINISTRATION

- A. **Operations Manual.** The contractor maintains a current operations manual summarizing approved methods of implementing CDCR policies, which provides details for daily operation of the program. The manual has been submitted and approved by CDCR on an annual basis.
(Authority: CCR, Section 3380; Statement of Work, Contractor Authority and Responsibilities- Public, page 2B; Private, pages 3A and 3B.)

FINDING

COMPLIANCE

The CPRB examined Delano CCF's current Policy and Procedure Manual and interviewed staff.

The review revealed that the Facility maintains policies and procedures that outline the operations of the Facility. These policies have been updated annually and submitted to the CDCR for approval.

- B. **Restricted Operational Procedures.** The contractor, when establishing written policy and procedure in accordance with DOM, Section 5000, will maintain such policies and procedures as "Confidential" and "Restricted." Confidential and restricted information will not be made available to inmates.

Such procedures shall include but are not limited to:

- Emergency Operations
- Key/Locking Devices
- Job Action Contingency Plan
- Escape Pursuit Plan
- Prisoner Transportation
- Gang Management

(Authority: DOM, Section 55000; Statement of Work, Contractor Authority and Responsibilities- Public, page 2B; Private, pages 3B, 11, and 12.)

FINDING

COMPLIANCE

The CPRB examined Delano CCF's Policy and Procedure Manual, and interviewed staff.

The review revealed that the Facility maintains confidential and restricted procedures that are kept by management personnel and are unavailable to the inmate population. These policies include, but are not limited to, Emergency Operations, No. 918; Key/Locking Devices, No. 906; Job Action Contingency Plan, No. 918; Escape Pursuit Plan, No. 903; Prisoner Transportation, No. 908; and Gang Management, No. 917.

- C. **Program Cost Reports.** The contractor has submitted the required quarterly and annual program cost reports to the Community Correctional Facility Administration (CCFA).
(Authority: FMH, Financial Management of Funds, Public, page 8 III-A; and Private, page 12D.)

FINDING

COMPLIANCE

The CPRB examined Delano CCF's quarterly and annual program cost reports and interviewed staff.

The review revealed that Delano CCF submitted to the CCFA the second, third and fourth quarter reports for fiscal year 2007/08 and the first quarter report for 2008/09. In addition, the annual report for fiscal year 2007/08 has been submitted to the CCFA.

II. PERSONNEL

- A. **Master Staffing Plan.** The contractor maintains a master staffing plan that includes administrative as well as posted positions and reflects corresponding position numbers.
(Authority: FMH, Accounting System/Financial Records, Allowable Costs, Personnel Costs-Public, page 3D; and Private, page 8D.)

FINDING

COMPLIANCE

The CPRB examined Delano CCF's master staffing plan and interviewed staff.

The review revealed that a master staffing plan, which includes administrative as well as posted positions and reflects corresponding position numbers, is maintained by the Delano CCF.

- B. **Position Changes.** Any changes to classification, function responsibility or post assignment are accompanied by an approved "Change of Established Positions" form and an approved "Post Assignment Schedule Summary" and "Post Assignment Detail" when it affects posted positions.
(Authority: FMH, Accounting System/Financial Records, Allowable Costs, Personnel Costs-Public, page 3D; and Private, page 8D.)

FINDING

NOT RATABLE

Delano CCF has not requested any changes to previously approved established positions.

- C. **Job Descriptions and Duty Statements.** The contractor maintains current job descriptions and duty statements for staff paid through the CDCR contract.
(Authority: FMH, Accounting System/Financial Records, Allowable Costs, Personnel Costs-Public, page 3D; and Private, page 8D.)

FINDING

COMPLIANCE

The CPRB examined Delano CCF's current job descriptions, duty statements, and interviewed staff.

The review revealed that Delano CCF maintains current job descriptions and duty statements for all staff.

- D. **Post Orders.** The contractor provides post orders, on the post for security staff.
(Authority: Statement of Work, Contractor Authority and Responsibilities-Public, page 3; Private, page 3B; DOM, Section 51040.6. Reference: PC, Section 5058, FMH-Public, page 3D; and Private, page 8D.)

FINDING

COMPLIANCE

The CPRB examined Delano CCF's post orders and interviewed staff.

The review revealed that Delano CCF maintains a policy, No. 1000, regarding post orders. The Delano CCF post orders are located on the post and within the Policy and Procedures Manual for security staff and are current.

1. Each custody staff member assigned to a post for the first time shall be provided with a copy of the appropriate post order upon assuming the post. The staff member has signed the acknowledgment sheet of the post order on their assigned work site confirming the reading and understanding of duties for the post.
(Authority: DOM, Section 51040.6.1. Reference: PC, Section 5058; and FMH-Private, page 8D.)

FINDING

COMPLIANCE

The CPRB examined Delano CCF's post orders and interviewed staff.

The review revealed that custody staff are provided with a copy of their post order upon assuming the post. Staff are also required to read and become familiar with the Policy and Procedures Manual which also include post orders.

The review team notes that Delano CCF employs 64 custody staff who are assigned to the 49 established posts. Ninety-six (99 percent) of the 97 required signatures acknowledging the reading and understanding of the post order were present.

- E. **Background Investigations.** Security personnel will complete a CDCR background investigation at private facilities. A CDCR-approved background investigation will be completed for security personnel at public facilities. A CDCR background investigation will be conducted for personnel at private facilities. Personnel records will document that the staff member “passed” the background process.
(Authority: Statement of Work, Contractor Authority and Responsibilities-Public, page 6; Private, pages 1, 2, and 3; and FMH- Private, page 8D.)

FINDING

COMPLIANCE

The CPRB examined Delano CCF’s personnel records and interviewed staff.

The review revealed that all security personnel assigned to the Delano CCF undergo a background investigation. The audit team examined a selected percentage of background clearances for Delano CCF staff. Each (100 percent) staff had an approved background clearance. The audit team notes that each staff member, security or nonsecurity, undergoes this background process.

- F. **Personnel Policies.** The contractor shall establish and maintain personnel policies that address but are not limited to:
- Fraternization;
 - Overfamiliarity;
 - Ex-Felon Employment;
 - Nepotism; and
 - Employee Grievance and Appeal Process.
- (Authority: Statement of Work, Contractor Authority and Responsibilities-Public, pages 3C and 4; and Private, page 8D.)**

FINDING

COMPLIANCE

The CPRB examined Delano CCF's personnel policies and interviewed staff.

The review revealed that the Delano CCF maintains a policy on nepotism, No. 1012; overfamiliarity, Nos. 203 and 1001; fraternization, No. 203, Section V-B; employee grievance and appeals process, No. 203, Section II-H; and ex-felon employment, No. 203, Section 04.08. Facility practice is consistent with these policies.

III. TRAINING

- A. **Training Policy.** The Facility maintains a current approved training policy that delineates training requirements for staff and meets the requirements of the California Board of Corrections (BOC) and/or CDCR.
(Authority: Statement of Work, Contractor Authority and Responsibilities; CDCR/BOC Agreement-Public, page 6D; and Private, page 6D.)

FINDING

COMPLIANCE

The CPRB examined Delano CCF's current training policy and interviewed staff.

The review revealed Delano CCF has an established training policy, No. 1004, which has been approved by the BOC. Facility practice is consistent with this policy.

- B. **Training Records.** The Facility maintains training records for all custody/security staff.
(Authority: Statement of Work, Contractor Authority and Responsibilities; CDCR/BOC Agreement-Public, page 6D; and Private, pages 6D and 7.)

FINDING

COMPLIANCE

The CPRB examined Delano CCF's training records and interviewed staff.

The review revealed that Delano CCF maintains training records for all custody/security staff assigned to the Facility.

- C. **Training Audits.** The Facility is in compliance with the annual training requirements of the BOC.
(Authority: Statement of Work, Contractor Authority and Responsibilities; CDCR/BOC Agreement-Public, page 6D; and Private, page 6D.)

FINDING

COMPLIANCE

The CPRB examined Delano CCF's current training records and interviewed staff.

The CPRB randomly selected ten training records of staff assigned to Delano CCF. Each (100 percent) of the ten records reviewed contained documentation of the employee having received the basic CDCR orientation training and that the Basic Correctional Officer Certification course has been completed.

IV. CLASSIFICATION

- A. **Operational Plan.** The Facility has established and follows an operational plan in accordance with DOM and the CCF Screening Handbook for the operation of classification services.
(Authority: Statement of Work, Contractor Authority and Responsibilities-Public, pages 1, 2B, 3C, and 6E; and Private, page 1C.)

FINDING

COMPLIANCE

The CPRB examined Delano CCF's operational plan and interviewed staff.

The review revealed that Delano CCF has an established policy, No. 417, in accordance with DOM and the CCF Screening Handbook. Facility practice is consistent with this policy.

- B. **Composition.** Classification committees meet composition and quorum requirements of DOM, with initial Facility Classification Committee composed of:

- California Corrections Facility Manager (Chairperson);
- CC II (Alternate Chairperson);
- CC I (Recorder);
- Inmate Assignment/Program Coordinator;
- Educational or Vocational Program Representative; and
- Other members as appropriate.

(Authority: CCR, Section 3376; DOM, Section 62010.8.2; Statement of Work, Contractor Authority and Responsibilities-Public, page 6E; Private, page 8; and PC, Section 5058.)

FINDING

COMPLIANCE

The CPRB observed Delano CCF's classification committee and interviewed staff.

The review revealed that the composition of the classification committee includes the CCF Manager (Chairperson), CC II (Alternate Chairperson), CC I (Recorder), Inmate Assignment Coordinator, and an Education/Vocational Program Representative.

- C. **Initial Classification.** Initial classification is held within 14 calendar days of the inmates' arrival to the Facility.
(Authority: DOM, Section 62010.8.3; Statement of Work, Contractor Authority and Responsibilities-Public, page 6E; and Private, page 8F.)

FINDING

COMPLIANCE

The CPRB examined Delano CCF's policy and procedures and inmate field files, observed the classification committee, and interviewed staff.

The review revealed that Delano CCF maintains a policy, No. 417, regarding classification. Initial classification actions are conducted within 14 calendar days of the inmate's arrival to the Facility. Inmates are encouraged to participate in the committee classification and all processes are fully explained to the inmate.

- D. **Documentation.** Results of committee actions are documented in a Classification Chrono (CDC 128-G). A copy of the CDC 128-G is given to the inmate and a copy is maintained in the inmate's field file.
(Authority: DOM, Section 62010.9.1; Statement of Work, Contractor Authority and Responsibilities-Public, page 6E; and Private, page 8F.)

FINDING

COMPLIANCE

The CPRB examined Delano CCF's policy and procedures and inmate field files, observed the classification committee, and interviewed staff and inmates.

The review revealed that a CDC 128-G is generated by the classification committee. A copy of this CDC 128-G is given to the inmate and a copy is routed to the inmate's field file. The Notice of Classification Hearing form is being utilized in accordance with departmental procedure. Inmate appeal rights and processes are being explained and documented on the CDC 128-G.

V. PROGRAMS

- A. **IWTIP.** The Facility shall establish and maintain IWTIP positions for work assignments either within the Facility or outside the Facility.
(Authority: DOM, Section 53130; Statement of Work, Program Operations-Public, page 11C; and Private, page 16C.)

FINDING

PARTIAL COMPLIANCE

The CPRB examined Delano CCF's unit documentation and interviewed staff and inmates.

The review revealed that Delano CCF has established and maintains IWTIP positions for work assignments within the Facility. There is a written job description for every position. These job descriptions define the inmate's responsibilities and tasks to be performed. These duty statements are signed by the work supervisor and the inmate. However, a concern was noted that the Inmate Work Training Incentive Program (CDC 1697) forms were incomplete in Dorm 7 and the Laundry. In addition, Dorm 5 and 6 time cards were filled out prematurely.

- B. **Pre-Release.** The Facility shall provide pre-release program services subject to budgeted resources. Pre-release curriculum meets the minimum content described in CDCR Policy.

(Authority: DOM, Section 53090.6; Statement of Work, Program Operations, Public, page 11B; and Private, page 16B.)

FINDING

COMPLIANCE

The CPRB examined Delano CCF's unit documentation and interviewed staff and inmates.

The review revealed that currently Delano CCF provides a pre-release program to include Department of Motor Vehicles information, parole, job placement, Employee Development Department information, anger management, and substance abuse.

- C. **Educational Programs-Credential Standards.** Educational programs shall be managed by staff who meet the credential standards as set forth by the Commission on Teacher Credentialing.

(Authority: DOM, Section 53090.1; Statement of Work, Program Operations, Public, page 14E; and Private, page 18E- #1.)

FINDING

COMPLIANCE

The CPRB examined Delano CCF's personnel records and interviewed staff.

The review revealed that Delano CCF maintains policies, Nos. 500-505, regarding educational programs. Delano CCF has two educational instructors. These instructors (100 percent) meet credentialing standards.

1. The contractor shall ensure that inmates achieving less than a 6.0 grade level or with limited English proficiency are assigned to ABE or English as a second language program in accordance with available resources.
(Authority: DOM, Section 53090; Statement of Work, Program Operations, Public, page 14E; and Private, page 18- #4.)

FINDING

COMPLIANCE

The CPRB examined Delano CCF's unit documentation and interviewed staff and inmates.

The review revealed that the Delano CCF provides a qualified education program. Educational testing to determine grade level is being performed in accordance with policy. The Facility provides an ABE I course and the General Education Development (GED) preparation course. Upon completion of this course, the GED test is given at Delano CCF by Facility staff under the auspice of the Bakersfield College.

2. Educational programs shall be conducted Monday through Friday year round, excluding State and national holidays for a minimum of six and a maximum of seven and one half hours per day.
(Authority: DOM, Section 53090.3.5; Statement of Work, Program Operations-Public, pages 2 and 14E-#3; and Private, page 18E-#6.)

FINDING

COMPLIANCE

The CPRB examined Delano CCF's policies and procedures and interviewed staff.

The review revealed that educational programs are conducted five days per week, for a minimum of six hours per session.

- D. **Religious Programs.** The contractor shall establish a written procedure for voluntary participation in religious programs and shall make such information is available to all inmates.

(Authority: DOM, Section 53050; Statement of Work, Program Operations-Public, page 14F; and Private, page 19F.)

FINDING

COMPLIANCE

The CPRB examined Delano CCF's religious program procedures and interviewed staff and inmates.

The review revealed that Delano CCF maintains a written procedure, No. 424, for voluntary participation in religious programs. Facility practice is consistent with this policy. Religious services are available on Sundays and by request. In addition, a religious video library is also available for inmate use. Inmates are made aware of services by postings in the dorms and notice in the inmate's orientation handbook. Loudspeaker announcements are also made prior to the services.

- E. **Library Services.** The contractor shall provide an inmate library in the Facility with accessibility to the inmates for a minimum of 30 hours a week. When law library facilities are required, the Facility provides transportation to the CDCR hub institution.

(Authority: DOM, Section 53060; Statement of Work, Program Operations-Public, page 14G; and Private, page 20G.)

FINDING

COMPLIANCE

The CPRB toured the inmate library and interviewed staff and inmates.

The review revealed that Delano CCF maintains a policies, Numbers 419 and 506, regarding library services. Facility practice is

consistent with this policy. Delano CCF provides an inmate library that is accessible to the inmates for a minimum of 30 hours per week, as required. When law library facilities are required, CDCR staff will coordinate timely appointments for inmates to access the law library at the CDCR hub institution (Kern Valley State Prison [KVSP]).

- F. **Visiting.** The contractor shall establish written procedures for the administration and operation of a visiting program consistent with CDCR policy.
(Authority: CCR, Section 3170; DOM, Section 54020; Statement of Work, Program Operations-Public, page 15H; and Private, page 20-#1.)

FINDING

COMPLIANCE

The CPRB examined Delano CCF's visiting procedures and interviewed staff and inmates.

The review revealed that Delano CCF maintains a written procedure, No. 405, for the administration and operation of a visiting program consistent with CDCR policy. Facility practice is consistent with this policy. Visiting is scheduled Saturdays, Sundays, and approved holidays from 0730-1515. Attorney/client visits are accommodated as needed.

- G. **Canteen.** The contractor shall establish an inmate canteen program and written operating procedures in compliance with CDCR policy.
(Authority: CCR, Sections 3090-3095; DOM, Section 54070; Statement of Work, Program Operations-Public, page 16I; and Private, page 21I.)

FINDING

COMPLIANCE

The CPRB examined Delano CCF's canteen procedures, toured the canteen, and interviewed staff and inmates.

The review revealed Delano CCF has established an inmate canteen program and written operating procedures, No. 303. Inmates may purchase canteen items bi-weekly and the canteen provides an extensive selection of items to different ethnic groups. Inmates receive an updated statement of account reflecting current account balance.

- H. **Recreation Programs.** The contractor shall provide a recreational and physical education program that maximizes voluntary participation under safe, secure, and healthful conditions to promote physical fitness and relaxation.

(Authority: CCR, Section 3220; DOM, Section 53070; Statement of Work, Program Operations-Public, page 16K; and Private, page 22J.)

FINDING

COMPLIANCE

The CPRB toured Delano CCF's exercise yards and interviewed staff and inmates.

The review revealed that Delano CCF maintains a policy, No. 419, regarding recreational programs. Facility practice is consistent with this policy. Delano CCF has an established recreational and physical exercise program. Delano CCF has adequate indoor recreation items, e.g., television, table games, etc. The outdoor recreation area is equipped with such items as basketball hoops, volleyballs and netting, handball, etc. Recreation equipment is maintained in a safe and usable manner. Additionally, there is a large outdoor exercise yard located on the North side of the Facility for the inmates' use.

- I. **Medical Services.** The contractor shall develop and implement written procedures for routine sick call and emergency medical and/or dental services.

(Authority: DOM, Section 54050; Statement of Work, Program Operations-Public, page 11A; and Private, page 22K.)

FINDING

COMPLIANCE

The CPRB examined Delano CCF's medical and dental procedures, toured the health services area, and interviewed staff.

The review revealed that Delano CCF has developed and implemented written procedures, Nos. 800-802, for routine sick call and emergency medical and/or dental services. Facility practice is consistent with this policy. Sick call is conducted daily. Medical emergencies are handled through the hub institution North Kern State Prison (NKSP) or the Delano Regional Medical Center, as deemed necessary. Routine dental appointments are scheduled with the hub institution. Dental emergencies are handled immediately through the hub institution.

1. The contractor shall maintain current and confidential health records in a secure location.

(Authority: DOM, Sections 54046; Statement of Work, Program Operations-Public, page 11A; and Private, page 22K.)

FINDING

COMPLIANCE

The CPRB examined Delano CCF's medical records, toured the health services area, and interviewed staff.

The review revealed that Delano CCF maintains inmate health records within a file cabinet in a locked office. The keys to the office are maintained in Central Control.

VI. DISCIPLINE

- A. **Policy.** The contractor shall develop an inmate disciplinary plan, which meets the requirements of CDCR's policy, due process, and specific time limits.
(Authority: DOM, Section 52080; CCR, Sections 3310-3326; Statement of Work, Contractor Authority and Responsibilities-Public, page 7G; and Private, page 8G.)

FINDING

COMPLIANCE

The CPRB examined Delano CCF's inmate disciplinary plan concerning requirements of CDCR policy, due process, and specific time limits.

The review revealed that Delano CCF has an established inmate disciplinary plan, No. 412, which meets the requirements of CDCR policy. Facility practice is consistent with this policy. The assigned CC II is responsible for logging and tracking Rules Violation Report (CDC 115) to ensure due process and hearing time constraints are adhered to.

- B. **Disciplinary Actions.** The contractor staff shall initiate and participate in informal and formal disciplinary actions within the context of progressive disciplinary practices.
(Authority: CCR, Section 3312; DOM, Section 52080; Statement of Work, Contractor Authority and Responsibilities-Public, page 7G; and Private, page 8G.)

FINDING

COMPLIANCE

The CPRB examined Delano CCF's disciplinary log, inmate field files, policy and procedures, and interviewed staff.

The review revealed that Delano CCF employs a progressive inmate disciplinary process. The CDCR and contract staff participate in the disciplinary process by issuing verbal reprimands, Custodial Counseling Chronos, and formal CDC 115s, as appropriate.

- C. **Documentation.** The contractor shall have the responsibility of documenting negative behavior and writing initial charges in accordance with CDCR's policy and regulations.
(Authority: CCR, Section 3312; DOM, Section 52080; Statement of Work, Contractor Authority and Responsibilities-Public, page 7G; and Private, page 8G.)

FINDING

COMPLIANCE

The CPRB examined Delano CCF's policy and procedures, inmate field files, and interviewed staff.

The review revealed that Delano CCF utilizes departmentally approved processes for documenting inmate negative behavior.

- D. **Classification of Rule Violations.** CDCR staff shall determine the disciplinary action as administrative or serious in CDC 115s initiated within the CCF.
(Authority: CCR, Section 3313; DOM, Section 52080; Statement of Work, Contractor Authority and Responsibilities-Public, page, 7G; and Private, page 8G.)

FINDING

COMPLIANCE

The CPRB examined Delano CCF's policy and procedures, inmate field files, and interviewed staff.

The review revealed that the CDCR Captain has the responsibility of classifying inmate disciplinary reports.

- E. **Authority.** The CDCR staff has the final authority in all formal disciplinary actions initiated within the CCF.
(Authority: Statement of Work, Contractor Authority and Responsibilities-Public, page 7G; and Private, page 8G.)

FINDING

COMPLIANCE

The CPRB examined Delano CCF's policy and procedures, inmate field files, and interviewed staff.

The review revealed that CDCR staff conduct disciplinary hearings for all serious and administrative rule violations documented on the CDC 115. Adjudicated CDC 115s are forwarded to the Chief Disciplinary Hearing Officer (CCF Administrator) for audit and final signature.

- F. **Record of Disciplinary Matters.** The Facility maintains copies of all CDC 115s in a Register of Violations and, when appropriate, in the inmate's facility case file.
(Authority: CCR, Section 3326; Statement of Work, Contractor Authority and Responsibilities-Public, pages 7G and 7H; and Private, page 8G.)

FINDING

COMPLIANCE

The CPRB examined Delano CCF's policies and procedures and interviewed staff.

The review revealed that Delano CCF maintains copies of adjudicated CDC 115s and a Disciplinary Log Book. Log numbers are obtained from CCFA Headquarters when a disciplinary report is generated. The Facility maintains copies of all CDC 115s in a Register of Violations and, when appropriate, in the inmate's field file.

VII. RECORDS

- A. **Inmate Files.** There shall be a case file maintained on each inmate assigned to the CCF.
(Authority: Statement of Work, Contractor Authority and Responsibilities-Public, page 7H; and Private, page 9I- #1.)

FINDING

COMPLIANCE

The CPRB examined Delano CCF's inmate field files and interviewed CDCR staff.

The review revealed that the CCs I and CCs II maintain a field file on each inmate assigned to the Delano CCF.

- B. **File Security.** All local case files shall be secured in a locked file cabinet marked "Authorized Personnel." Only authorized CDCR and contractor staff shall have access to these files.
(Authority: Statement of Work, Contractor Authority and Responsibilities-Public, page 7H; and Private, page 9I-#1.)

FINDING

COMPLIANCE

The CPRB examined Delano CCF's inmate field files and interviewed CDCR staff.

The review revealed that each inmate field file is maintained in a file cabinet within a locked office. The CCs I and CCs II maintain access to these files.

- C. **Release of Information.** The contractor shall have a written policy and procedures regarding confidentiality of individual case records, which address, at minimum, client access, staff access, and release of information. The policy will assure compliance with CDCR policy and the Information Practices Act.
(Authority: DOM, Section 13010.11; CCR, Section 3450; Statement of Work, Contractor Authority and Responsibilities-Public, page 2B; and Private, page 10-#4.)

FINDING

COMPLIANCE

The CPRB examined Delano CCF's policies and procedures and interviewed CDCR staff.

The review revealed that Delano CCF's policy, No. 407, Information Releases and Policy Governing Inmate Records, addresses the accessibility of inmate field files and the release of information therein. Facility practice is consistent with this policy.

- D. **The DMS.** The contractor shall submit a DMS to the CCFA Administrator to include information on CDCR inmates received or discharged.
(Authority: DOM, Section 52020; Statement of Work, Contractor Authority and Responsibilities-Public, page 11A; and Private, page 9-#2.)

FINDING

COMPLIANCE

The CPRB examined Delano CCF's DMS and interviewed staff.

The review revealed that Delano CCF staff prepare the DMS daily during First Watch. A copy of the DMS is transmitted, by facsimile, daily to the CCFA by Facility staff. Records of the transmissions are maintained by Facility administration.

VIII. APPEALS

- A. **Forms.** The contractor shall ensure inmate appeal forms (CDC 602) are readily available to all inmates.
(Authority: CCR, Section 3084; Statement of Work, Contractor Authority and Responsibilities-Public, page 6F; and Private, page 9H-#1.)

FINDING

COMPLIANCE

The CPRB examined Delano CCF's appeal procedures and interviewed staff and inmates.

The review revealed that Delano CCF has available to all inmates the CDC 602. These forms are available in each dorm and through contact with staff.

- B. **Informal Level.** The contractor staff shall respond to appeals at the informal level.
(Authority: CCR, Section 3084; Statement of Work, Contractor Authority and Responsibilities-Public, page 6F; and Private, page 9H-#1.)

FINDING

COMPLIANCE

The CPRB examined Delano CCF's appeal procedures, documentation, and interviewed CDCR staff and inmates.

Documentation and interviews with staff and inmates revealed that there is an appeals policy in place, No. 408. Practice adheres to and addresses appeals at the informal level.

- C. **First Level.** The CDCR staff shall audit or assign to appropriate contractor staff, inmate appeals at the first formal level.
(Authority: CCR, Section 3084; Statement of Work, Contractor Authority and Responsibilities-Public, page 6F; and Private, page 9H-#1.)

FINDING

COMPLIANCE

The CPRB examined Delano CCF's appeal procedures and interviewed staff.

The review revealed that CDCR staff are managing the inmate appeal process. Interviews with the Facility CC II and contract staff indicate that the CC II collects and screens all appeals filed by the inmate population. First level appeals are forwarded to the CCFA Appeals Unit for logging. Issues relative to custody, classification actions, and disciplinary, etc., are responded to by the CCF appeals coordinator. Informal and first level appeals regarding internal issues are screened by the CC II and assigned to the appropriate CCF staff member for response.

- D. **Second Level.** The second level appeal shall be transmitted to CCFA for Audit by the CCFA Administrator or designee.
(Authority: CCR, Section 3084; Statement of Work, Contractor Authority and Responsibilities-Public, page 6F; and Private, page 9H-#1.)

FINDING

COMPLIANCE

The CPRB examined Delano CCF's appeal procedures and interviewed staff.

The review revealed there is an automated tracking system in place to document that the second level appeal is transmitted to CCFA for audit.

- E. **Record of Appeals.** The contractor shall ensure that all appeals are filed in accordance with CCR, Sections 3084 through 3084.7.
(Authority: CCR, Section 3084; Statement of Work, Contractor Authority and Responsibilities-Public, page 6F; and Private, page 9H-#2.)

FINDING

COMPLIANCE

The CPRB examined Delano CCF's record of appeals and interviewed staff.

The review revealed that Delano CCF ensures that all appeals are filed in accordance with the CCR. The Appeals Coordinator, CC II, collects each CDC 602, and records them in an automated appeals log. All appeals, first and second level, are forwarded to the CCFA Appeals Coordinator for logging and appropriate disposition.

- F. **The CCR, Title 15.** The CDCR shall ensure copies of the CCR, Title 15, Division 3, in English and Spanish are available to the contractor for distribution to all inmates.
(Authority: Statement of Work, Contractor Authority and Responsibilities-Public, page 11A; and Private, page 9H-#2.)

FINDING

COMPLIANCE

The CPRB toured the Facility and interviewed staff and inmates.

The review revealed that CDCR provides Delano CCF with current copies of the CCR, Title 15, Division 3, in English and Spanish.

- G. **Training.** The contractor and CDCR shall provide ongoing appeals training to staff to ensure adherence and compliance with CCR, Sections 3084 through 3084.7.
(Authority: Statement of Work, Contractor Authority and Responsibilities-Public, page 3C; and Private, page 9H-#2.)

FINDING

COMPLIANCE

The CPRB examined Delano CCF's training records and interviewed staff.

The review revealed that CDCR staff conduct appeals training classes for Delano CCF staff during the CDCR Orientation course to ensure adherence and compliance with policy and procedure.

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X. SAFETY

- A. **Fire Safety.** The contractor shall have a written policy and procedures, which specify the Facility's fire prevention regulations and practices to ensure the safety of staff, inmates, and visitors.
(Authority: DOM, Section 52090; Statement of Work, Contractor Authority and Responsibilities-Public, page 9J; and Private, page 12-#6.)

FINDING

COMPLIANCE

The CPRB examined Delano CCF's safety procedures and interviewed staff.

The review revealed that Delano CCF has a written procedure, No. 411, which specifies the Facility's fire prevention regulations and practices to ensure the safety of staff, inmates, and visitors. Facility practice is consistent with this policy.

1. The contractor shall conduct quarterly fire emergency drills under varied conditions and during hours when a majority of inmates are in the Facility.
(Authority: DOM, Section 52090; Statement of Work, Contractor Authority and Responsibilities-Public, pages 11A and 9J; and Private, page 12-#5.)

FINDING

COMPLIANCE

The CPRB examined Delano CCF's safety procedures and interviewed staff.

The review revealed that Delano CCF does conduct fire emergency drills, under varied conditions and during hours when a majority of

inmates are in the Facility, on at least a quarterly basis. The last fire drill was conducted on November 14, 2008.

2. The contractor shall have an annual inspection and clearance by local and State fire officials.
(Authority: DOM, Section 52090; Statement of Work, Contractor Authority and Responsibilities-Public, page 9J; and Private, page 12.)

FINDING

COMPLIANCE

The CPRB examined Delano CCF's safety procedures and interviewed staff.

The review revealed that Delano CCF had a fire safety inspection on September 19, 2008, conducted by the State Fire Marshal.

- B. **Hazardous Material.** The contractor shall have written procedures in accordance with DOM, Section 52030, for the storage, accountability, handling, and dispensing of all volatile, toxic, or hazardous materials and substances.
(Authority: Statement of Work, Contractor Authority and Responsibilities-Public, page 11A; and Private, page 12 -#8, #9, and #10.)

FINDING

COMPLIANCE

The CPRB examined Delano CCF's safety procedures and interviewed staff.

The review revealed that Delano CCF has a written procedure, No. 702, in accordance with DOM for the storage, accountability, handling, and dispensing of all volatile, toxic, or hazardous materials and substances. Facility practice is consistent with this policy.

XI. GENERAL

- A. **New Arrivals.** The contractor has established and maintains a written procedure for the issuance of clean usable clothing, bedding, linen, and towels for new arrivals with provisions for subsequent exchange or laundering on a weekly basis.
(Authority: CCR, Sections 3030 and 3031; DOM, Section 54090; Statement of Work, Contractor Authority and Responsibilities-Public, page 11A; and Private, page 10J.)

FINDING

COMPLIANCE

The CPRB examined Delano CCF's policy and procedures and interviewed staff.

The review revealed that Delano CCF has established and maintains written procedures, Nos. 401 and 404, which delineates the issuance of clothing, bedding, and linen for new arriving inmates. Facility practice is consistent with this policy. Delano CCF's policy also directs for laundry exchange weekly, on a one for one basis.

- B. **Hygiene.** The contractor provides adequate, clean, and working shower, sink, and toilet facilities.
(Authority: CCR, Section 3060-3062: Statement of Work, Contractor Authority and Responsibilities-Public, page 1A; and Private, page 10J.)

FINDING

COMPLIANCE

The CPRB toured the Delano CCF and interviewed staff.

The review revealed that Delano CCF provides clean shower, sink, and toilet facilities within each dorm in the Facility.

- C. **Inmate Telephones.** The contractor has established and maintains written policy and procedures for the governing of telephones for use by inmates in the Facility. Inmates should be permitted reasonable access to telephones for personal and program-related purposes.
(Authority: Statement of Work, Contractor Authority and Responsibilities-Public, page 8I; and Private, page 11-#8.)

FINDING

COMPLIANCE

The CPRB examined Delano CCF's telephone procedures and interviewed staff and inmates.

The review revealed that Delano CCF maintains a written procedure, No. 409, governing the use of telephones for inmates. Facility practice is consistent with this policy. Inmates are provided access to telephones from reveille to lights out.

- D. **Inmate Mail.** The contractor has established and maintains written policy and procedures governing inmate mail, correspondence, legal items, and packages.
(Authority: DOM, Section 54010; CCR, Section 3130; Statement of Work, Contractor Authority and Responsibilities-Public, pages 1A and 16J; and Private, page 15-#6.)

FINDING

COMPLIANCE

The CPRB examined Delano CCF's mail procedures and interviewed staff and inmates.

The review revealed that Delano CCF maintains a written procedure, No. 410, governing inmate mail, correspondence, legal items, and packages. The handling of inmate mail adheres to policy.

- E. **Inmate Access to Computers.** The contractor has established and maintains written policy and procedure governing inmate access to computers in accordance with CDCR policy.
(Authority: DOM, Section 49020.6.)

FINDING

COMPLIANCE

The CPRB examined Delano CCF's policies and procedures and interviewed staff.

The review revealed that Delano CCF maintains a written procedure, No. 421, controlling inmate access to computers within the Facility. Facility practice is consistent with this policy.

- F. **Security Areas.** The contractor maintains, on-site, a depiction of the Facility with the floor plan identifying the secure and non-secure areas, denoting the location of security post positions.
(Authority: Statement of Work, Contractor Authority and Responsibilities-Public, page 1A; and Private, page 11-#9.)

FINDING

COMPLIANCE

The CPRB toured the Facility and interviewed staff.

The review revealed that Delano CCF maintains a floor plan depiction of the Facility.

- G. **Housekeeping and Maintenance.** The contractor has a housekeeping and maintenance plan and maintains weekly inspection reports to ensure the Facility is clean and in good repair.
(Authority: Statement of Work, Contractor Authority and Responsibilities-Public, page 8I; and Private, page 11-#7.)

FINDING

COMPLIANCE

The CPRB examined Delano CCF's housekeeping and maintenance plan and interviewed staff.

The review revealed that Delano CCF maintains policies, Nos. 415, 701, and 702, for the preventative maintenance and inspection of the Facility and equipment. Facility practice is consistent with this policy. The Facility maintains daily inspection reports and a record of repairs performed.

XII. FOOD SERVICES

- A. **Meals.** The contractor shall provide food services at the Facility that meet the nutritional standards consistent with DOM, Section 54080. Food service staff shall develop and follow menus approved by the CDCR Food Administrator or a State licensed dietitian.
(Authority: CCR, Section 3050; Statement of Work, Contractor Authority and Responsibilities-Public, page 9K; and Private, page 12M.)

FINDING

COMPLIANCE

The CPRB toured Delano CCF's main kitchen, observed the lunch meal, examined menus, and interviewed staff and inmates.

The review revealed that Delano CCF has developed and follows menus approved by a State licensed dietitian. These menus are posted in the kitchen and each dormitory.

- B. **Special Diets.** The contractor shall provide for the special dietary needs of inmates. Any special menu/diet required to meet medical needs shall be approved by CDCR's medical personnel and provided by the contractor.
(Authority: CCR, Section 3054; DOM, Section 54080; Statement of Work, Contractor Authority and Responsibilities-Public, pages 1A and 9K; and Private, page 12M.)

FINDING

COMPLIANCE

The CPRB examined Delano CCF's special diet menus, toured the main kitchen, and interviewed staff and inmates.

The review revealed that Delano CCF can accommodate inmates with special dietary needs. These special diet menus have been approved by CDCR medical personnel.

- C. **Meal Samples.** The contractor shall retain refrigerated, covered, tagged, and dated samples of meals served for a minimum of 72 hours to determine what food items may be responsible in the event of alleged food poisoning or infection.
(Authority: DOM, Section 54080.8; Statement of Work, Contractor Authority and Responsibilities-Public, pages 11A and 9K; and Private, page 12M.)

FINDING

COMPLIANCE

The CPRB toured Delano CCF's main kitchen and interviewed staff.

The review revealed that Delano CCF retains a refrigerated, covered, tagged, and dated sample of hot meals served for a minimum of 72 hours.

- D. **Inmate Workers.** The contractor shall ensure that each inmate culinary worker is medically cleared for food handling before assignment to food services. Medical clearance forms will be on file in the food service area. **(Authority: CCR, Section 3052; DOM, Section 54080; Statement of Work, Contractor Authority and Responsibilities-Public, pages 11A and 9K; and Private, page 12M.)**

FINDING

COMPLIANCE

The CPRB examined Delano CCF's inmate medical clearance forms and interviewed staff.

The review revealed that Delano CCF ensures each culinary worker is medically cleared before assigning to food services. This is done via the classification process and food handling clearance documentation maintained in the inmate's health record. If a change to the medical clearance status occurs, the medical staff notifies the kitchen staff and the inmate worker is removed from food handling assignments.

- E. **Health Codes.** The contractor shall maintain a copy of the annual inspection regarding sanitation, safety and food handling practices, conducted by the Department of Health Services. **(Authority: CCR, Section 3052; DOM, Section 54080; Statement of Work, Contractor Authority and Responsibilities-Public, pages 11A and 9K; and Private, page 13-#5.)**

FINDING

COMPLIANCE

The CPRB examined Delano CCF's annual sanitation inspection and interviewed staff.

The review revealed that Delano CCF has a current sanitation and safety and food handling annual inspection. The inspection was

conducted by the County of Kern, Environmental Health Services Department dated August 8, 2008.

- F. **Dry Storage.** Foods must be stored properly. Dry food and canned goods shall be properly stored in an appropriate storage area.
(Authority: CCR, Section 3052; DOM, Section 54080; Statement of Work, Contractor Authority and Responsibilities-Public, pages 11A and 9K; and Private, page 12M.)

FINDING

COMPLIANCE

The CPRB toured Delano CCF's main kitchen and storage area and interviewed staff.

The review revealed that food items are properly stored. In addition, adequate controls are in effect for "hot" items, such as yeast and sugar.

- G. **Refrigeration.** Refrigeration and freezer equipment is monitored for proper temperatures and food items are properly stored to facilitate proper air circulation.
(Authority: CCR, Section 3052; DOM, Section 54080; Statement of Work, Contractor Authority and Responsibilities-Public, pages 11A and 9K; and Private, page 12M.)

FINDING

COMPLIANCE

The CPRB toured Delano CCF's main kitchen and interviewed staff.

The review revealed that refrigeration and freezer temperatures are monitored and logged to ensure proper food storage. Food items are appropriately stored to facilitate proper air circulation.

- H. **Vector Control.** Control of vermin and pests is managed by contract with a licensed professional pest control company.
(Authority: CCR, Section 3052; DOM, Section 54080; Statement of Work, Contractor Authority and Responsibilities-Public, pages 11A and 9K; and Private, page 12M.)

FINDING

COMPLIANCE

The CPRB toured Delano CCF and interviewed staff.

However, Delano CCF maintains a monthly vector control service contract with Antimite Pest Control, which includes that any emergency needs be handled immediately.

XIII. DEPARTMENTAL – FACILITY INTERCOMMUNICATION

- A. **Hub Institutions.** Identify the hub institutions that service this Facility for disciplinary, medical, law library, and emergency services.
(Authority: Statement of Work, Contractor Authority and Responsibilities-Public, page 11A; and Private, page 22K.)

FINDING

COMPLIANCE

The CPRB examined Delano CCF's medical, dental, disciplinary, and emergency procedures, and interviewed staff.

The review revealed that NKSP and Kern Valley State Prison (KVSP) are utilized as the hub institutions. NKSP is utilized for medical and KVSP is utilized for all disciplinary concerns and law library. Intercommunication between these institutions and Delano CCF results in the transportation of inmates in a timely and efficient manner.

- B. **Mutual Aid.** The contractor has established mutual aid agreements with local and State law enforcement agencies.
(Authority: Statement of Work, Contractor Authority and Responsibilities-Public, page 1A; and Private, page 11L-#2.)

FINDING

COMPLIANCE

The CPRB examined Delano CCF's security procedures and interviewed staff.

The review revealed that there is a mutual aid agreement with the City of Delano Police Department, Wasco State Prison, KVSP and NKSP.

GENERAL OBSERVATIONS

1. Documentation was not provided allowing the permanent posting of non-deadly weapons in the housing unit control booths.
2. Chits are not being utilized as required in the main kitchen.

Review of Community Correctional Facilities
Delano Community Correctional Facility

GLOSSARY

ABE	Adult Basic Education
BOC	California Board of Corrections
CC	Correctional Counselor
CCF	Community Correctional Facility
CCFA	Community Correctional Facility Administration
CCR	California Code of Regulations
CDCR	California Department of Corrections and Rehabilitation
CDC 115	Rules Violation Report
CDC 128-G	Classification Chrono
CDC 602	Inmate Appeals Form
CDC 1697	Inmate Work Supervisors Time Log
DMS	Daily Movement Sheet
DOM	Department Operations Manual
FMH	Financial Management Handbook
GED	General Education Development
IWTIP	Inmate Work Training Incentive Program
KVSP	Kern Valley State Prison
NKSP	North Kerns State Prison
PC	Penal Code